

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VIETTA L. JOHNSON, M.D., DANIEL
IVANKOVICH, M.D.,

Plaintiffs,

V.

COUNTY of COOK, Robert Simon, M.D.,
in his individual and official capacity,
Aaron Hamb M.D., in his individual and official
capacity, Clifford Crawford, M.D. in his
individual and official capacity.

Defendants.

No. 08 C 2139

Judge Castillo

NOTICE OF FILING

TO: ELECTRONIC FILING AND U.S. MAIL

Linda C. Chatman
Marcus, Boxerman & Chatman
19 S. LaSalle St.
Suite 1500
Chicago, IL 60603

PLEASE TAKE NOTICE that on this August 5, 2008, the undersigned attorney electronically filed notice that newly served individual Defendant Robert Simon, M.D., adopts the filings of the County of Cook as his response to Plaintiffs' First Amended Complaint. Individual Defendant Robert Simon, M.D., adopts Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint and Memorandum in Support of Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint and Notice of Motion filed with the Clerk of the United States District Court, for the Northern District of Illinois, Eastern Division using the CM/ECF filing system. Courtesy copies delivered to chambers at the time of filing.

RICHARD A. DEVINE
State's Attorney of Cook County

By: S/Jamieson B. Bowman
Jamieson b. Bowman
Assistant State's Attorney
500 Richard J. Daley Center
Chicago, Illinois 60602

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VIETTA L. JOHNSON, M.D., DANIEL)	
IVANKOVICH, M.D.,)	
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Plaintiffs,)	
)	No. 08 C 2139
V.)	
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COUNTY of COOK, Aaron Hamb M.D.,)	
in his individual and official capacity,)	
Clifford Crawford, M.D. in his individual)	
and official capacity.)	
)	
Defendants.)	

**MOTION TO ADOPT COOK COUNTY'S MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED COMPLAINT**

NOW COMES Defendant Robert Simon, M.D., in his individual capacity, by his attorney, RICHARD A. DEVINE, State's Attorney of Cook County, through his assistant, JAMIESON B. BOWMAN, Assistant State's Attorney, and hereby move this Honorable Court, allow newly served individual Defendant Robert Simon, M.D., to adopt Defendant's motion to dismiss Counts III, IV, V and dismiss Plaintiffs' prayer for punitive damages, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) and in support of this motion, state as follows:

- A. Plaintiffs' original complaint was filed April 14, 2008 and contained Service Cook County.
- B. Defendant filed a motion to dismiss on June 5, 2008, which was granted, without prejudice to refiling, on June 11, 2008.
- C. Plaintiffs' first amended complaint was filed on June 25, 2008, before this Honorable Court. Plaintiffs' first amended complaint removed Karen Nash, M.D., as a party to the complaint.
- D. Defendant Robert Simon, M.D., in his individual capacity was personally served July 16, 2008.

E. Cook County State's Attorney filed an appearance on behalf of Defendant Robert Simon, M.D., in his individual capacity, on August 5, 2008.

Defendant Robert Simon, M.D., in his individual capacity, now moves to adopt Defendant's motion to dismiss Plaintiffs' First Amended Complaint for the reasons set forth in Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint and Memorandum in Support of Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint.

Respectfully Submitted,
State's Attorney of Cook County

By: S/Jamieson B. Bowman
Jamieson B. Bowman
Assistant State's Attorney
Labor/Employment Section
500 Richard J. Daley Center
Chicago, Illinois 60602
(312) 603-5668

CERTIFICATE OF SERVICE

I, Jamieson B. Bowman, Assistant State's Attorney, certify that I served a copy of the foregoing by mailing a copy of the same to the Plaintiffs' attorney by depositing same in the U.S. Mail at 500 Richard J. Daley Center, Chicago, Illinois 60602, before 5:00 p.m. on August 4, 2008, and by filing a copy electronically with the Clerk of the Court.

S/Jamieson B. Bowman
Jamieson B. Bowman